IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 03-335L
	)	
AMERICAN FOAM CORPORATION, et al.,	)	
	)	
Defendants.	)	

NOTICE OF ELECTION AS TO MOTION TO DISMISS OF DEFENDANTS CLEAR CHANNEL BROADCASTING, INC. AND CAPSTAR RADIO OPERATING COMPANY

NOW COME Defendants Clear Channel Broadcasting, Inc. and Capstar Radio Operating Company (as successor in interest to WHJY, Inc., former operator of radio station "WHJY-FM") (collectively the "Clear Channel Defendants" for purposes herein) and hereby give notice pursuant to Paragraph 5 of the Consent Order entered on February 2, 2006, that they invoke the application of the Court's previous ruling dated September 22, 2005 (*See* U.S. District Court Docket Entry #552, Pacer) granting in part and denying in part the Clear Channel Defendants' Motion to Dismiss filed on September 30, 2004, as to all claims by all plaintiffs named in the Third Amended Master Complaint and all adoptions thereof.

CLEAR CHANNEL BROADCASTING, INC.
AND CAPSTAR RADIO OPERATING
COMPANY

By their Attorneys,

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Dated: March 17, 2006

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 17th day of March, 2006, I served a copy of the within NOTICE OF ELECTION AS TO MOTION TO DISMISS OF DEFENDANTS CLEAR CHANNEL BROADCASTING, INC. AND CAPSTAR RADIO OPERATING COMPANY, by electronic mail, to the following counsel of record:

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